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ORGANIZATION OF THE WORK OF THE SESSION

Written statement* submitted by the Colombian Commission of Jurists, a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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COLOMBIA

The Colombian Non-Governmental and Social Organisations hereby make known that the serious human rights and humanitarian law situation in Colombia compromises the Government's responsibility and requires strong and decisive action on the part of the United Nations Commission on Human Rights (UNCHR).

Despite the lack of co-operation from the Government, the Office of the United Nations High Commissioner for Human Rights in Colombia (UNHCHR) has been adequately fulfilling its mandate. The Colombian Government, however, continues to disregard the Commission's recommendations and those of other mechanisms, discrediting United Nations Delegates and failing to honour the commitments it has acquired before this Commission.

From June 2000 to June 2001, an average of 20 people were killed or disappeared daily due to socio-political violence: Twelve died through extra-judicial executions, more than one person was disappeared daily, one individual was killed daily for belonging to marginalised social sectors, and over five died per day in combat.

85% of the human rights violations and breaches of humanitarian law for cases in which the generic responsible party is known, were attributed to Government agents: 3,4% directly (106 victims) and 81,6% indirectly through paramilitary groups (2.545 victims). Guerrilla groups are purportedly the perpetrators of 15% of these cases (468 victims).

In 2001, more than 3000 people were kidnapped. Approximately 60% is attributed to guerrilla groups, 10% to paramilitary organisations, and 33% to common criminals.

The level of impunity is alarming. Trials for human rights violations continue to fall under the jurisdiction of the military justice system. The progress made by the Attorney General Office's Human Rights Unit may be undermined by the orientation of the new Attorney General, who has watered-down that Unit's role. An example of this was his improper intervention in a trial against former Army General Rito Alejo del Río, who was under investigation for having promoted paramilitary groups when the Attorney General threatened the autonomy and independence of the prosecutors, who are legal officials.

A national security law, which seriously erodes the Rule of Law, was enacted in August 2001 (Law 684), in complete disregard for the Constitution and international legislation: it grants undue prerogatives to the security forces and creates new mechanisms of impunity for the members of those forces, sets up a new type of state of emergency which is outside of the Constitution, imposes military authority over civil authority, allows for the consideration of the civilian population as one of the combatants, and institutes a fourth power "national power" (which is totally separate from the three branches of government contemplated constitutionally), based on the "doctrine of national security."

An anti-terrorist strategy, which was announced as under development in the aforementioned law, and which includes anti-democratic measures: Holding minors criminally responsible and establishing secret legislative processes, among others.

The Actions of Paramilitary Groups were not confronted decisively by the government; not in the "Six (6) Point Plan" nor in the "Co-ordination Centre" which were so pompously announced by

the Vice president before this Commission yielded significant results, despite repeated international recommendations.

In 2001, paramilitary groups, acting with the acquiescence, tolerance, complicity and collaboration of government agents, committed forced disappearances, homicides, forced displacements, food and economic blockades, kidnappings and massacres, among others. Early warnings were not taken into account, and those issuing such warnings were often discredited. Paramilitary forces committed 171 massacres (from June 2000 to June 2001); in the town of Chenque (Sucre) 38 people were killed, four (4) disappeared, and many women and girls were raped; in the town of Naya (Cauca), 45 people were tortured and murdered. The Attorney General's Office does not look into these cases of rape and torture. No attention has been paid to well-grounded criminal complaints about the involvement of public servants in these massacres.

The number of people subjected to forced displacements continues to rise. It is estimated that in 2001, 375.000 people were displaced (1,029 per day) for human rights violations, breaches of humanitarian law, indiscriminate pesticide spraying and other actions carried out through US military aid ("Plan Colombia" and "Andean Initiative"), as well as part of other large-scale projects. The government has granted emergency humanitarian aid to only 20% of the displaced.

Most of IDP are peasants and afrocolombians, resulting in disintegration of the social fabric and low production for the rural economy. The government has repeatedly failed to honour its commitments to peasants, afrocolombians and indigenous people. The impossibility of planting on the soil that has been so affected has caused a food crisis in rural areas.

The Special Rapporteur on Violence Against Women stated in November 2001 that the armed participants, including members of the security forces, commit violent crimes and perpetrate sexual slavery against girls and women. These acts remain unpunished: The Attorney General's Office does not investigate as it should.

The Committee on the Rights of the Child observed that the Colombian government does not provide sufficient guarantees for the rights of minors. In 2000, three (3) minors were killed daily. There is no reliable national identification system, a fact which tends to favour disappearances and illegal adoptions. Many children are sexually exploited, and 3,000,000 (21.5%) are not enrolled in the educational system. Moreover, due to the armed conflict, children are the victims of forced recruiting, extra-judicial executions, disappearances and torture.

The loss of the ethnic and cultural identities of Afro-Colombian communities and indigenous peoples has to do with their invisibility, discrimination and subordination in government policies and projects. The physical and political loss of ancestral lands affects their cultural and existence. In 2001, several communities were forcibly displaced; indigenous and Afro-Colombian leaders were killed and disappeared.

The Special Representative of the Secretary General on Human Rights Defenders stated, in October 2001, that attacks on human rights defenders (including journalists and trade unionists as well as social, indigenous, Afro-Colombian, peasant and displaced persons' leaders) rose during 2001. They were the victims of homicides, forced disappearances, murder attempts, wire-tapping, stigmatizing declarations by the authorities, judicial persecution and arrests. Nine (9) members of human rights NGOs were killed between January and November 2001. In 2001, 162 trade unionists were killed, and 79 were disappeared. As a result, several organisations were dismantled.

Several prosecutors and public servants who were investigating human rights violations were persecuted or forced into exile, and some were killed. The Government has not adequately addressed this situation.

The rights of homosexual people are only hesitantly recognised. The Constitutional Court has backtracked on its legal decisions in failing to recognise the rights to social security in view of the sexual preference of the petitioners.

The situation in penitentiaries continues to be serious. The Government has not fulfilled its obligation to protect the life and well-being of the prisoners: It allowed an attack by paramilitary inmates at the Carcel Modelo Penitentiary Institution in Bogota, and there is serious evidence of forced disappearances and kidnappings within the prisons.

In Colombia, most of the population does not enjoy minimal economic, social and cultural rights. Poverty is at 62.7%. Unemployment is at 16.8%, and the government's policies have aggravated the problem and pose a threat to the already precarious conditions of the nation's workers.

The parties continue to perpetrate serious violations of international humanitarian law, including the taking of hostages, which are expressed in the form of kidnapping civilians and holding them against their will.
Among other violations, the Revolutionary Armed Forces of Colombia, FARC massacred seven (7) hikers in Purace in February 2001, and they kidnapped members of an international aid agency; the National Liberation Army, ELN, caused the death of three (3) minors when they placed a bomb in Antioquia in August 2001.
The Government continues to maintain and locate police stations in areas which endanger the lives of the civilian population. The Police report to the Ministry of Defence and they perform counterinsurgency operations, which open them up to attacks by guerrilla groups.
It is important to note ELN's unilateral truce and the humanitarian exchange of prisoners between FARC and the Government, because they may make future global human rights and humanitarian law agreements a possibility.

The signatory organisations support the negotiated solution to armed conflict, along with a serious human rights policy, one which guarantees the rights of the population and victims to the truth, full reparations and just sanctions of those responsible. We demand that the armed parties respect the rights of non-combatants, as well as the signing of humanitarian accords and the will for peace.

Consequently, we ask this Commission to:

Based on the High Commissioner's report and other pertinent information, vigorously show its deep concern for the human rights and humanitarian law crisis in Colombia, as well as for the Government's repeated breaches of the recommendations made.

Renew and strengthen the HCHR's mandate in Colombia, by guaranteeing adequate financing and by supporting the Commission politically.

Urge the Colombian Government to follow the HCHR's recommendations as well as the topical mechanisms.

Name a Special Rapporteur for Colombia as a complementary mechanism to support the

UNHCHR in tracking compliance of recommendations.

Constitute a group within the Commission or of independent experts to analyse why the Colombian Government repeatedly ignores these recommendations and present a report at the Commission's next period of sessions.

Recommend the strengthening of the HCR, in Colombia, as well as an extension of its protective mandate.

Demand that the Colombian Government guarantee the independence of the judiciary and that it undertake effective actions to combat impunity.

Urge the Colombian Government to derogate the norms contained in the law of national security that go against international norms on human rights and humanitarian law.

Demand that the Colombian Government dismantle paramilitary groups.

Request the thematic mechanisms to intensify their attention to the crisis in Colombia and to perform visits.

Ask the High Commissioner to present her report on Colombia also to the United Nations General Assembly.

Issue the decision on all of the foregoing by means of a Resolution, due to the lack of co-operation by the Colombian Government, as shown in its repeated breaches of the recommendations.

FOLLOWING ORGANIZATIONS ALIGN THEMSELVES TO THIS STATEMENT:

1 Asamblea Nacional de jóvenes por la paz
2 Asamblea Permanente de la Sociedad civil por la paz
3 Asamblea por la paz de la Unión Sindical Obrera -USO-
4 Asociación Campesina del valle del río Cimitarra
5 Asociación Colombiana de Estudiantes universitarios
6 Asociación de Afrocolombianos desplazados –AFRODES-
7 Asociación de desplazados -ASODES-
8 Asociación de Familiares de Detenidos Desaparecidos -ASFADDES-
9 Asociación de Trabajo Interdisciplinario -ATI-
10 Asociación Minga
11 Asociación Nacional de Ayuda Solidaria -ANDAS-
12 Asociación Nacional de desplazados de Colombia -ASODESCOL-
13 Asociación Sol y Vida
14 Benposta Nación de Muchachs
15 Casa de la Mujer
16 Central Unitaria de Trabajadores -CUT- Bogotá
17 Central Unitaria de Trabajadores de Colombia -CUT-
19 Centro de Investigación y Educación y Educación Popular -CINEP-
18 Centro Justapaz
20 Colectivo de Abogados José Alvear Restrepo -CAJAR-
21 Colectivo de derechos humanos semillas de libertad -CODEHSEL-

22 Colectivo de jóvenes trabajadores
23 Colpaz
24 Comisión Colombiana de Juristas -CCJ-
46 Comité de Integración del Macizo colombiano -FUNDECIMA-
25 Comité Permanente de Derechos Humanos Seccional Caldas
26 Comité Permanente por la defensa de los Derechos Humanos –CPDH-
27 Confederación de Trabajadores de Colombia –CTC-
28 Confederación General de Trabajadores Democráticos -CGTD-
29 Consejería para los derechos humanos y el desplazamiento -CODHES-
30 Consejo consultivo de la red distrital de personeros estudiantiles
31 Corporación AVRE
32 Corporación Compromiso
33 Corporación Punto de Vida
34 Corporación Regional de Derechos Humanos -CREDHOS-
35 Corporación Reiniciar
36 Corporación Sembrar
37 Defensa de los Niños Internacional sección Colombia
38 Escuela Nacional Sindical -ENS-
39 Foro Costa Atlántica
40 Fundación Cleber
41 Fundación Comité de Solidaridad con Presos Políticos
42 Fundación Cultura democrática
43 Fundación Dos Mundos
44 Fundación Maestros itinerantes
45 Fundación para la Promoción de la Cultura y la educación popular -FUNPROCEP-
47 Funpecis
48 Grupo de Gays y Lesbianas
49 Humanidad Vigente
50 Iglesia Presbiteriana de Colombia, Presbiterio de la Costa Norte
51 Instituto Popular de Capacitación -IPC-
52 La Fundación Menonita Colombiana para el desarrollo –Mencoldes-
53 Organización Femenina Popular
54 Organización Indígena de Antioquia -OIA-
55 Proceso de Comunidades Negras
56 Protectorado civil
57 Redepaz
58 Revista Utopías
59 Taller de Vida